

REMARKS

The Examiner has rejected claims 1-7 and 9-32 under 35 U.S.C. § 103(a) as being unpatentable over Lumb et al. (US Patent No. 5,312,667) in view of Stockwell (US Patent No. 5,359,735). The Examiner has also rejected claim 8 as being unpatentable over these same references and further in view of Li et al. (US Patent No. 5,480,706). In response, Applicant's have amended claim 19 so that it now requires an "inner fabric layer [that] is treated by metal vapor deposition in order to provide a metal vapor deposit thereon, *the inner fabric layer with the metal vapor deposit allowing for passage of liquid therethrough*. (Emphasis added.) Support for this amendment can be found in the application, as filed, for example, at page 1, lines 5-8 and page 3, lines 25-28. Claims 1-32 remain pending in the application.

The Examiner's proposed combination of Lumb and Stockwell does not render Applicant's independent claim 1 obvious because such a combination would not provide "particles of a refractory compound [that] are embedded within said plurality of yarn fibers" as Applicant's claim 1 requires. As admitted by the Examiner, "Stockwell discloses surface coatings for fabrics." (Office Action at page 3.) While it is true that these surface coatings can include microspheres of various materials, including ceramics, and that the microspheres can be coated with a metal layer, (Stockwell col. 8, lines. 41-44), Stockwell provides no teaching or suggestion to embed such microspheres within the yarns of a fabric layer. In fact Stockwell repeatedly illustrates and states that the disclosed coating(s) is applied to the "surface" of a fabric article. (See Figs. 1 and 2, col. 2, lines 28-29 and col. 12, lines. 9-10.)

Conversely, Applicant's invention of claim 1 requires "particles of a refractory compound [that] are embedded within said plurality of yarn fibers" of the fabric. The present application describes various techniques for achieving such a structure, such as, for example, "either dispersing the particles in the master batch polymer prior to spinning or by injecting the particles into the spinneret that is used for extruding the fibers from [sic] the polymer." Thus, Applicant's claim 1 is structurally distinct from that taught or suggested by any combination of Lumb and Stockwell. For at least this reason, Applicant's submit that independent claim 1 (and its dependent claims, 2-18) are patentable over Lumb and Stockwell.

Applicant's amended claim 19 requires an "inner fabric layer [that] is treated by metal vapor deposition in order to provide a metal vapor deposit thereon, ***the inner fabric layer with the metal vapor deposit allowing for passage of liquid therethrough.*** (Emphasis added.) As explained in the present application, the deposition of metal vapor on the inner fabric layer is one way to provide a refractory compound to promote the inward reflection of body heat. (Page 3, lines 18-22.) When a garment of the claimed composite textile fabric having such "an inner fabric layer is worn against the skin or undergarment of the wearer[, ***m***]*oisture* from the skin ***is quickly transported through this [inner] layer*** where it is carried to the outer fabric layer where it spreads for evaporation from the outside of the garment." (Page 3, line 25-28, emphasis added.) Such "moisture" can be in ***liquid form*** when it passes through the inner layer. (Page 3, line 29 – page 4, line 5.)

The Examiner's proposed combination of Lumb and Stockwell cannot provide such a feature. In fact, Stockwell explicitly states that,

[t]he resultant coated fabric will be breathable and will allow water vapor to pass from the non-coated side of the fabric and out through the weave gaps and aligned pore spaces in the coating layer. At the same time, ***the coated fabric will be waterproof from the coated side.***

(Col. 3, lines 64, emphasis added). Thus, while the coating of Stockwell may be capable of allowing the passage of vapor, it does not allow for the passage of liquid as required by Applicants' amended claim 19. As a result, Applicants request that the Examiner reconsider his rejection of amended independent claim 19 (and its dependent claims, 20-32).

Attached is a marked-up version of the changes being made by the current amendment.


Applicant : Moshe Rock et al.
Serial No. : 09/624,660
Filed : July 25, 2000
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Attorney's Docket No.: 10638-037001 / 952/33

Applicant asks that all claims be allowed. Enclosed is a Revocation and New Power of Attorney and a \$400 check for the Petition for Extension of Time fee. Please apply any other charges or credits to Deposit Account No. 06-1050.

Respectfully submitted,

Date: August 15, 2002



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Version with markings to show changes made

In the claims:

Claim 19 has been amended as follows:

19. (Amended) A composite textile fabric comprising an inner fabric layer made of a yarn comprising a plurality of fibers of polyester or another synthetic yarn which have been rendered hydrophilic and an outer fabric layer made of a yarn comprising a plurality of fibers of polyester or other synthetic yarn which have also been rendered hydrophilic;

wherein the two fabric layers are formed concurrently by knitting a plaited construction;

wherein said inner fabric layer is treated by metal vapor deposition in order to provide a metal vapor deposit thereon, the inner fabric layer with the metal vapor deposit allowing for passage of liquid therethrough.